



S. No.219

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46730 of 2025

Date of Decision:11.12.2025

Ramesh Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

Mr. Japjit S. Johal, Advocate for the complainant.

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case FIR No.19 dated 02.02.2025 registered at Police Station Dasuya, District Hoshiarpur for the offences under Sections 103(1), 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 (Section 238 BNS added later on).

2. The present case was registered on the basis of the statement given to the police by Surinder Kaur with the allegations that her son Maninderjit Singh resides in Canada while her husband Balwinder Singh resides in Spain since 2007.

She herself had gone to Canada in October, 2024 to meet her son while her



husband came to India in their Village Bakarpur, District Kapurthala. On 20.01.2025, when she telephonically talked to him, he told her that he is going to meet Ramesh Kumar (petitioner) and Narinder Pal in Village Passi Bet, Dasuya, for purchasing some land. Her husband had paid Rs.2,80,000/- to these persons in their accounts but now they were reluctant in getting the sale deed registered. On 21.01.2025, her husband left home to meet both these persons but thereafter, his phone was found switched off. Her nephew Amarjit Singh lodged missing person's report with the police on 27.01.2025. She also returned along with her son to Village Bakarpur but her husband could not be traced. On 01.02.2025, Lakhwinder Singh Ex. Sarpanch of Village Galewal told them on telephone that dead body of some person with same description has been found in forest area of Village Budho Barkat and Dasuya Police has taken the dead body in its custody. Thereafter, she went to Civil Hospital, Dasuya and identified the dead body to be of her husband who had suffered deep injuries on his head caused with some sharp weapon. She alleged that her husband has been murdered by Ramesh Kumar (petitioner) and Narinder Pal Singh in order to grab the amount of Rs.2.8 lakhs paid to them for purchasing the land and she sought action against them.

3. During investigation, petitioner and co-accused Narinder Pal Singh were arrested on 02.02.2025. Co-accused Narinder Pal Singh suffered disclosure statement to the effect that he, Ramesh Kumar (petitioner) and Yodha Singh have murdered Balwinder and he got recovered one axe and jersey which was blood stained with the blood of the deceased. Yodha Singh was also nominated as an accused and arrested on 05.02.2025 and after completion of investigation, challan has been presented.



4. I have heard learned counsel for the parties and have perused the material placed on record.

5. Learned counsel for the petitioner contended that present case is based on circumstantial evidence. No one had seen the deceased in the company of the petitioner or the co-accused. Learned counsel contended that the allegation in the FIR that complainant had talked to her husband on 21.01.2025 is also not supported by any call details and no such call details have been collected by the police to show that complainant had talked to her husband on 21.01.2025 while he was allegedly going to meet the petitioner. Even if, the version of complainant is believed that deceased had come to meet them on 21.01.2025, there is a long gap between 21.01.2025, when he left his home and 01.02.2025 when the dead body was recovered and possibility of murder having been committed by some other person cannot be ruled out. Learned counsel contended that nothing has been recovered from the possession of petitioner. The petitioner is in custody since 02.02.2025. Challan has already been presented after completion of investigation and the trial will take a sufficiently long time to conclude and he may be released on bail.

6. On the other hand, learned State Counsel assisted by counsel for the complainant has opposed the bail and argued that the petitioner has committed a heinous offence. Learned State Counsel next contended that police has recorded statement of one Lakhvir Singh, Ex.Sarpanch of Village Galewal during investigation on 10.02.2025 to the effect that he had come to know that deceased was murdered on 21.01.2025 by Ramesh, Narinderpal and Yodha Singh. He further stated on 21.01.2025, when he had gone to his fields at about 11:00 AM,



he had seen Narinderpal, Ramesh and Yodha Singh roaming in the forest area on a motor-cycle who were somewhat nervous and this circumstance points towards involvement of the petitioner in committing the crime. Learned State Counsel next contended that the trial is at initial stage. Petitioner had a motive to commit the crime as he wanted to usurp the payment of Rs.2.8 lakhs paid to him and to his son by the deceased. Trial is at initial stage and in case, he is released on bail, he will try to win over or intimidate the witnesses and he does not deserve to be released on bail.

7. The present case based on circumstantial evidence and no one had seen deceased in the company of the petitioner or the co-accused on 21.01.2025. It has been alleged that deceased had informed his wife telephonically who was in Canada that he is going to meet the accused but no such call details have been collected by the police. The incident allegedly took place on 21.01.2025 and the dead body was recovered on 31.01.2025. Ex-sarpanch of Village Galewal had informed the complainant on 01.02.2025 that dead body has been recovered but his statement that he had seen accused in the forest area on 21.01.2025 has been recorded by the police on 10.02.2025 after a delay of 10 days. As such, possibility of witness having been introduced subsequently cannot be ruled out wherein he alleged that he had seen the accused alongwith Yodha Singh in a frightened condition in the forest area of the village. Now investigation has already been completed and challan has been presented. Petitioner is in custody since 02.02.2025 . The trial will certainly take a long time to conclude and further detention of the petitioner is not required and he deserves to be released on bail.



8. Having regard to the aforesaid factual position, but without commenting anything upon the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(Yashvir Singh Rathor)
Judge

December 11, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No